

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**and**

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 7674 of 2004**

Between:

- 1 The Inspector General of Registration and Stamps,  
Guntur , Andhra Pradesh.
- 2 The Deputy Inspector General of Registration and Stamps,  
Guntur , Andhra Pradesh.

**..... PETITIONERS**

AND

A. Srinivasulu,  
Sub-Registrar/Sr. Asst, Office of the District Registrar,  
Nellore ( Presently working as Senior Assistant).

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or proceedings more particularly one in the nature of "WRIT OF CERTIORARI" calling for the records pertaining to the order passed in O.A. No. 4592/2003 on the file of Hon'ble Andhra Pradesh Administrative Tribunal, Hyd Dt. 18.09.2003 and quash the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: GP FOR SERVICES II**

**Counsel for the Respondent: Mr.C.SRINIVASA BABA**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE J.CHELAMESWAR**

**AND**

**THE HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.No.7674 of 2004**

**ORAL ORDER : (per GR,J)**

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Counsel for the respective parties urged that having regard to the short question involved, the writ petition itself can be disposed of. Heard the respective Counsel.

The respondent herein is the applicant in O.A.No.4592 of 2003, hereinafter referred to as the applicant. The applicant was a Senior Assistant working in Zone III and qualified and eligible for appointment by transfer to the post of Sub-Registrar Gr.II in Zone-III. The Deputy Inspector General of Registration and Stamps, Guntur prepared a panel for the year 2001-2002 for Zone III for appointment to the post of Sub-Registrar Gr.II having considered all eligible and qualified Senior Assistants including the petitioner. The petitioner was included in the said panel. The panel was approved by the Commissioner and Inspector General of Registration and

Stamps, on 5.3.2001 and 21.6.2001. Despite figuring in the approved panel the empanelled Senior Assistants including the respondent were appointed on a temporary basis and as In-charge Sub-Registrar Gr.II by the proceedings dated 27.12.2001. The respondent herein was also so appointed and posted to Gudur. Thereafter, it would appear departmental action was initiated against him on the basis of an ACB Report and a Charge-memo was issued to him on 29.3.2003 after his promotion as Sub-Registrar Gr.II. Pursuant to the impugned panel already stated earlier, on 5.3.2002, the respondent herein applied for leave and reported back to duty on 5.6.2002. The appellants herein, however, did not issue any orders of posting to the respondent herein as Sub-Registrar, but directed him to join duty as Senior Assistant. Aggrieved thereby, he filed the O.A.No.4592 of 2003 before the Andhra Pradesh Administrative Tribunal. Thereafter, he has also joined duty as Senior Assistant on 1.10.2002.

The Tribunal while allowing the application recorded that as the issuance of the charge-memo dated 29.3.2003 was a month subsequent to the inclusion of the applicant in the panel for the year 2001-2002 in March and June, 2001, in view of the various decisions of the Supreme Court including in **Union of India v. K.B.Janakiraman**, he could not be deprived of regular appointment to the post for which he was included in the panel as approved by the competent authority and once he was so entitled and regularly promoted, re-posting should not be denied merely on the ground that disciplinary enquiries were initiated after his inclusion in the panel and consequent posting. Accordingly, the Tribunal directed the appellants herein to consider the claim of the respondent herein to the post of Sub-Registrar Gr.II with reference to his eligibility and suitability at the rightful place of his seniority of Sub-Registrar Gr.II with effect from the date on which his junior was so promoted, with all consequential benefits.

In the light of the facts stated above and the reasons for the conclusions recorded by the APAT, we find no infirmity in the order of the APAT warranting interference. The writ petition is accordingly dismissed.

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knk 10.11.2004

To

- 1 The Inspector General of Registration and Stamps,  
Guntur, Andhra Pradesh.
- 2 The Deputy Inspector General of Registration and Stamps,  
Guntur, Andhra Pradesh.
3. Two CCs to G.P. for Services II, High Court Buildings, Hyderabad (OUT)
4. Two C.D. copies.
5. The A.P. Administrative Tribunal, Hyderabad.